

Application No. 09/665,105
Docket No. 032405.053

REMARKS

Reconsideration is respectfully requested of the Official Action of July 3, 2002, relating to the above-identified application.

A request for a three month extension of time is filed herewith, together with the associated fee.

With entry of the foregoing amendment, the claims in the case are:

1, 2, 3, 4, 10 to 22.

The claims can be grouped as follows:

Group I - Claims 1, 10-16

Group II - Claims 2, 3

Group III - Claim 4

Group IV - Claims 17, 18, 19

Group V - Claims 20, 21, 22

The allowance of Claim 4 is noted with appreciation.

The rejection of Claims 2, 3 and 10 under 35 U.S.C. § 112 is traversed and reconsideration is respectfully requested. It is believed that the amended claims overcome the rejection and, therefore, withdrawal of the rejection is requested.

The rejection of Claims 1 and 11-14 under 35 U.S.C. § 103(a) in view of *Alexander* (US 6,083,353) taken with *Tsuchiya* (US 5,530,420) is traversed and reconsideration is respectfully requested. The following comments apply to new Claims 13-22 as well.

Alexander fails to disclose how to eliminate the influence of vibration and temperature in order to avoid the deterioration of image data obtained by the camera. Therefore, in Fig. 16 of '353 patent, the "data bar 42" is mounted on the vehicle via "base mount 44" having a vertically extending mounting post which, applicants submit, induces the vibration of the "data bar 42".

In contrast, according to the claimed invention, in the structure for mounting camera recited in Claim 1, the chassis is directly mounted on the vehicle body via a mounting seat surface formed in the center of the upper face of the chassis. Moreover, Claim 20 specifies the chassis has a high-stiffness body and Claim 11 specifies a good thermal conductivity.

The Examiner indicated that it would have been obvious to one of ordinary skill in the art to construct the chassis with high thermal conductivity material and to mount the camera in the vehicle.

The claims have been amended to clearly define how the cameras are mounted in the vehicle, i.e., by a mounting seat surface formed in the center of the upper face of the claims. These features that are now set forth in the claims are not suggested either by *Alexander* or *Tsuchiya* or the combination thereof.

Tsuchiya discloses no details of his mounting arrangement. Therefore, even if *Tsuchiya* is combined with *Alexander*, the result would not reach the present invention.

To establish a *prima facie* obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine

reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure, *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 173 USPQ 560, 562 (CCPA 1972).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916837 F2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

A statement that the modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were

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individually known in the art is not sufficient to establish a *prima facie* obviousness without some objective reason to combine the teachings of the references. *Ex parte Levingood*, 28 USPQ 2d, 1300 (Bd. Pat. App. & Int. 1993).

Applicants submit the Office Action fails to make a case of *prima facie* obviousness. Accordingly, the rejection should be withdrawn.

Favorable action at the Examiner's earliest convenience is respectfully requested.

Respectfully submitted,

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